

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3587 of 2015

Arising Out of PS. Case No.-26 Year-2014 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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Manoj Prasad Son of Ganga Mahto Resident of Village - Mirchak, P.S. - Warisaliganj, District - Nawada, presently Chairman, Managing Committee Mosama Primary Agriculture Credit Society, P.S. - Warisaliganj, District - Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Harinandan Singh Son of Late Mishri Singh, Resident of Village - Khanpur, P.S. - Warisaliganj, District - Nawada.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Ram Sumiran Rai (App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL JUDGMENT

Date : 03-08-2018

Heard learned counsel for the petitioner and the learned APP for the State.

2. The petitioner by filing this quashing application under Section 482 of the Code of Criminal Procedure (hereinafter referred to as 'the Code') seeks quashing of order dated 06.11.2014, passed by learned Judicial Magistrate, 1st Class, Nawada in Complaint Case No.C.26/14/Trial No.3146/14 taking cognizance under Sections 323/504/420 of the Indian Penal Code.



3. The accusation in brief is that the complainant, a member of the concerned PACS, alleges that the PACS godown was to be constructed as per the Act in the headquarter of the PACS but the complainant, the Chairman of the PACS and *Mukhiya* created a forged document of resolution bearing sign of other PACS member for construction of godown in Mirchak village, own village of the accused.

4. Learned counsel for the petitioner submits that out of political vendetta, this false case was lodged to put pressure not to construct the godown at selected village as the complainant wanted the godown at other place and all PACS member signed the resolution regarding construction of the godown in village Mirchak. The complainant's examination on SA clearly indicates that there is no accusation that any forged resolution was created. The resolution was genuine one and accordingly already the godown of the PACS was constructed much earlier and complaint was also made before the District Magistrate also but on inquiry no irregularity was found.

5. Having considered the rival submissions and material on record, the Court finds that the present complaint appears malicious having no substance in the accusation constituting no *prima facie* offence, so the impugned order dated 06.11.2014,



passed by learned Judicial Magistrate, 1st Class, Nawada in Complaint Case No.C.26/14/Trial No.3146/14 and subsequent criminal proceeding against the petitioner stands quashed.

6. The application stands allowed.

(Arun Kumar, J)

S.KUMAR/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.08.2018
Transmission Date	10.08.2018

